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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONEL SOTO,

Defendant and Appellant.

B269078

(Los Angeles County
Super. Ct. No. BA431876)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Ronald S. Coen, Judge. Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant Leonel Soto of two counts of attempted voluntary manslaughter (Pen. Code, § 664/192, subd. (a))¹ with use of a knife (§ 12022, subd. (b)(1)) and infliction of great bodily injury (§ 12022.7, subd. (e)), and one count of mayhem (§ 203) with use of a knife (§ 12022, subd. (b)(1)). The trial court sentenced him to a total term of 12 years, ten months in state prison. He appeals from the judgment of conviction, and we affirm.

BACKGROUND

Prosecution Evidence

Defendant lived with his wife, Sehila Hernandez, and their two children in an apartment building located on South Budlong Avenue in Los Angeles. On Thanksgiving night, November 28, 2014, they hosted dinner for defendant's cousin, Tania Clemente, her husband, Enrique Rivas, and their three children. Defendant and Hernandez consumed alcohol throughout the evening.

At a liquor store around 10:00 p.m., they ran into a friend, Mario Ruiz, and defendant invited him over for Thanksgiving. Ruiz brought a 24-pack of beer with him.

At the apartment, defendant walked into the living room while Ruiz and Hernandez were talking, and began to argue with Hernandez. When defendant slapped Hernandez, Ruiz told him not to hit her and to calm down. Defendant told Ruiz not to get involved, pulled out a knife, and stabbed Ruiz in the eye and the stomach. Hernandez interceded and Ruiz ran out of the apartment.

Defendant then told Hernandez he was coming after her, and began stabbing her. Hernandez fled outside to a park. Defendant caught her and

¹ Undesignated section references are to the Penal Code.

continued to stab her, inflicting wounds to her jugular, cheek, ear, back, hand, and head.

Responding to a 911 call, the police found Ruiz at a the gas station and paramedics transported him to the hospital. Los Angeles Police Officer Travis Ward observed defendant and Hernandez on the corner. Both of them were bloody, and defendant tossed his knife to the ground. Paramedics transported Hernandez to the hospital.

At the hospital, Ruiz had surgery to repair his intestine. Also, his left eye was removed and he now has a prosthetic eye. Hernandez had surgery to repair her ear and to put a metal plate in her forehead. She was hospitalized for almost one month.

Blood analysis at the hospital showed that Hernandez had a blood alcohol level of 205 milligrams per deciliter at 3:20 a.m. Ruiz's blood alcohol level was 181.50 milligrams per deciliter at 3:55 a.m. Defendant had a blood alcohol level of 206.90 milligrams per deciliter at 5:04 a.m.

Defense Evidence

Gregory Zavatsky, a forensic and clinical toxicologist, testified that if defendant stopped drinking alcohol at 2:45 a.m., his blood alcohol level at 3:45 a.m. would have been approximately .21 percent. If Ruiz stopped drinking before 2:45 a.m., his blood alcohol level would have been approximately .16 percent at 2:45 a.m. Hernandez's blood alcohol level would have been about .17 percent at 3:20 a.m.

DISCUSSION

Defendant's court-appointed attorney filed an appellant's opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, asking that we review the

record to determine whether any arguable issues exist. Defendant was notified of his right to file a supplemental brief, but no such brief has been filed. We have independently examined the entire record, and conclude that there are no arguable issues on appeal.

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.